

**REMARKS**

The Office Action mailed February 13, 2003 has been reviewed and carefully considered. Claims 1-24 are pending, of which claims 1, 13 and 19 are the independent claims. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claims 1-11, 13-17, 19-22 and 24 were rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,463,428 to Lee et al. ("Lee") in view of U.S. Patent No. 6,400,408 to Berger ("Berger").

35 U.S.C. 103(c) provides that subject matter in a reference that would otherwise qualify as prior art only under 35 U.S.C. 102(e), (f) or (g) cannot be used in an obviousness rejection under certain, particular circumstances. Specifically, the obviousness rejection is invalid if the claims to be rejected were, at the time the invention was made, owned by or subject to an obligation of assignment to the same person who owned that subject matter in the reference at the time the invention was made.

Claims 1-24 of the instant invention and the subject matter of the Lee reference were owned by or subject to an obligation of assignment to Philips Electronics at the time the invention was made. Accordingly, pursuant to 35 U.S.C. 103(c), Lee does not qualify as prior art against claims 1-24.

Also in accordance with 35 U.S.C. 103(c), the Berger reference fails to qualify as prior art against claims 1-24 for the same reason.

The rejection is therefore invalid.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 12, 18 and 23 were rejected under 35 U.S.C. 103(a) as unpatentable over Lee in view of Berger and U.S. Patent No. RE 37,723 E to Goren ("Goren").

Both Lee and Berger fail to qualify as prior art against claims 12, 18 and 23 as set forth above.

The rejection is therefore invalid.

Reconsideration and withdrawal of the rejection is respectfully requested.


In view of the foregoing amendments and remarks, it is believed that this application is now in condition for allowance. The Examiner is invited to contact the undersigned in the event of any perceived outstanding issues so that passage of the case to issue can be effected without the need for a further Office Action.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date: 5/13/03


  
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